

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 1:06cr197-MEF
)	
RODERICK CHARLES MELVIN)	

**UNITED STATES' UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE OBJECTION TO RECOMMENDATION OF THE MAGISTRATE JUDGE**

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle of Alabama, and requests an extension of time in which to file its objection to the Recommendation of the Magistrate Judge, and in support of the motion the United States submits the following:

1. United States Magistrate Judge Charles S. Coody held an evidentiary hearing on the defendant's motion to suppress on October 25, 2006, and issued its Recommendation of the Magistrate on November 14, 2006. The parties were ordered to file any objections to the Recommendation on or before November 21, 2006. (Doc. 18).

2. The United States has made an effort to prepare its objection to the Recommendation. However, despite due diligence, the United States cannot accurately distinguish the testimony presented during the evidentiary hearing without the benefit of the transcript. The United States does not entirely disagree with the facts as presented in the Recommendation of the Magistrate Judge. On the other hand, the United States believes that there were other statements that should be considered. In addition, the United States is requesting a *de novo* review of evidence in order to decide this matter.

3. The United States has requested a transcript of the proceedings from the Court Reporter, Jimmy Dickens.

4. The United States has contacted defense counsel Kevin L. Butler, who states that he does not object to the United States' request for additional time in which to file its objection to the Recommendation.

5. Therefore, the United States requests an extension until December 5, 2006, to file its objection to the Recommendation of the Magistrate Judge.

Respectfully submitted on this 20th day of November 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Tommie Brown Hardwick
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CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Kevin L. Butler, Esq.

Respectfully submitted,

/s/Tommie Brown Hardwick
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